



23 AUG 2006

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In re Application of :  
JARVINEN et al. :  
Application No.: 10/544,272 :  
PCT No.: PCT/FI04/00085 : DECISION  
Int. Filing Date: 24 February 2004 :  
Priority Date: 26 February 2003 :  
Attorney Docket No.: 4819-4748 :  
For: METHOD FOR RECOVERY OF ZINC BY :  
COUNTERCURRENT LEACHING :

This decision is issued in response to applicants' "Petition to Correct Erroneously Accorded Filing Date (37 CFR 1.10(c))" filed in the United States Patent and Trademark Office (USPTO) on 11 April 2006.

### BACKGROUND

On 24 February 2004, applicants filed international application PCT/FI04/00085 which claimed a priority date of 26 February 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 August 2005.

On 03 August 2005, applicants timely filed a request to enter into the national stage under 35 U.S.C. 371 along with the appropriate basic national filing fee, a copy of the international application, and a preliminary amendment.

On 15 March 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 11 April 2006, applicants filed "Petition to Correct Erroneously Accorded Filing Date (37 CFR 1.10(c))" requesting 02 August 2006 as the actual date of receipt for the instant application.

On 09 May 2006, applicants filed an executed declaration of inventors.

On 27 June 2006, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 09 May 2006. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 09 May 2006.

### DISCUSSION

Applicants are requesting that the receipt date for the transmittal letter requesting immediate examination and the national stage application papers are corrected to indicate the correct date on which the transmittal letter for entry into the national stage in the United States and accompanying papers were filed, i.e., 02 August 2005. A copy of the Customer Copy of the "Express Mail" label No. EV622502116US filed with the petition bears a "Date In" date of 02 August 2005. The same Express Mail label number was placed on the transmittal letter itemizing the accompanying papers located in the application file that was date stamped as received in the PTO on 03 August 2005. Thus, there is a clear discrepancy between the receipt date accorded by the USPTO and the date of deposit as shown by the Customer Copy of the "Express Mail" label.

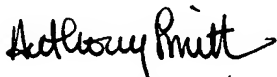
The evidence submitted by petitioner is sufficient to establish that on 02 August 2005 the United States Designated/Elected Office (DO/EO/US) received national stage application papers for this application including the basic national fee.

Applicants are reminded that the actual filing date of the present application is considered to be the international filing date, 24 February 2004. The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage are completed. (See MPEP §1895.01)

### CONCLUSION

The petition under 37 CFR 1.10(c) is GRANTED and the receipt date for transmittal letter and accompanying papers will be accorded a date of 02 August 2005.

The application is being returned to United States Designated/Elected Office for further processing.



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